

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, MAY 6, 2003
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**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, MAY 6, 2003**

SPECIAL ORDERS OF BUSINESS

ITEM-S500: The American Institute of Architects Week.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1313)

Recognizing the American Institute of Architects for its efforts to increase quality of life through design excellence;

Proclaiming May 6, 2003 to be "AIA Architecture Week" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-S501: Breast Cancer Awareness Day.

COUNCILMEMBER LEWIS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1305)

Commending McDonald's for their commitment to the community and to cancer research;

Proclaiming May 6, 2003, to be "Breast Cancer Awareness Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-S502: SHARE Day in the City of San Diego.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1126)

Recognizing that the charitable activities made possible by the contribution of City of San Diego employees to the SHARE program benefit the citizens of the City of San Diego and are in the public interest;

Designating May 6, 2003, as SHARE Day in the City of San Diego;

Authorizing the City Manager to designate the Campaign Chair for SHARE's 2003 UW/CHAD Campaign.

SUPPORTING INFORMATION:

On January 25, 1956, the employees of the City of San Diego formed the Municipal Employees Civic Responsibility Organization (MECRO) to provide financial support for charitable organizations. MECRO is now known as the City Employee SHARE Program (SHARE), and has supported local and national charities for more than 47 years, helping City employees to donate more than \$275,000 annually to charities, primarily through payroll deductions.

The SHARE Board of Directors (Board) is composed of 15 City employees who volunteer their time to serve on the Board.

The United Way of San Diego (UW) is a local volunteer-directed effort that has been supporting charitable programs in San Diego since 1920. The UW is partnering for its annual fund-raising campaign (Campaign) with the Combined Health Agencies Drive (CHAD). CHAD represents local chapters of national health agencies dedicated to supporting research, providing education, and client and community services programs to San Diegans. Each year, the UW/CHAD campaign-supported agencies provide services to more than one million San Diego County residents. The Campaign provides a great benefit to the City and the efforts put forth by City employees in support of the Campaign beneficially affect the City at large.

Beginning April 2003, the UW's online pledging system, known as United e-Way, will provide a unique workplace giving website developed specifically for City employees, and will allow SHARE to instantly communicate information about local charities in an effort to increase contributions.

The City Manager is authorized to designate a City employee as a dedicated Campaign coordinator and the Vice President of SHARE. This individual will coordinate the Campaign for all City Departments, to help ensure that SHARE'S 2003 Campaign is a success.

Madaffer

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S503: Gloria Penner Day.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1288)

Commending Gloria Penner for her continued commitment as a political correspondent for providing in-depth programming to inform San Diegans on City and County issues and government stances.

Proclaiming April 24, 2003 to be "Gloria Penner Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S504: Solid Waste Local Enforcement Agency (LEA) Application for LEA Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1302)

Authorizing the City Manager to submit an application to the California Integrated Waste Management Board (CIWMB) for a Local Enforcement Agency Grant and, if awarded, accept and expend the grant funds;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, grant agreements, amendments, payment requests, which may be necessary to carry out and administer the obligations, responsibilities, and duties of the City of San Diego Solid Waste LEA under the terms of the grant;

Authorizing the City Auditor and Comptroller to establish a separate fund for the grant monies.

CITY MANAGER SUPPORTING INFORMATION:

The California Integrated Waste Management Board (CIWMB) is accepting applications for their Local Enforcement Agency (LEA) Grant program. Funds totaling \$1.5 million are to be disbursed from the CIWMB to certified LEAs. Pursuant to Public Resources Code Section 43230, these grant awards are to be used solely for support of LEAs' Solid Waste Facilities Permit and Inspection Programs. The City of San Diego Solid Waste LEA was certified in August 1999, by the CIWMB, to carry out the duties and responsibilities associated with permitting, inspections, and enforcement at solid waste sites.

The City of San Diego LEA proposes to request grant funds to retain consulting services, purchase a computer, office and technical equipment, and fund additional training for LEA staff to carry out their regulatory mandates. Based on the CIWMB allocation formula, the City of San Diego Solid Waste LEA is eligible for approximately \$27,300 during this grant cycle.

FISCAL IMPACT:

If awarded, the City would receive approximately \$27,300. No matching funds are required.

Ewell/Christiansen/RLL

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

*ITEM-S505: North Torrey Pines Road Bridge over San Diego Northern Railway (Bridge No. 57C-207).

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1280)

Authorizing the City Manager, or his duly designated representative, to execute and comply with all grant requirements in connection with the North Torrey Pines Road Bridge over San Diego Northern Railway, Bridge No. 57C-207 (the Project);

Authorizing the City Manager, or his duly designated representative, to accept Program Supplement No. 084, to the Local Agency-State Agreement for Federal-Aid Project Number 11-5004 (010) and its modification for a total amount of

\$600,000 for the Project into CIP-52-557.0, Fund 38737;

Authorizing the City Auditor and Comptroller to appropriate a total amount not to exceed \$600,000 from CIP-52-557.0, Fund 38737, for Project design costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds are, or will be, on deposit with the City Treasurer, and to expend an amount not to exceed \$600,000 from CIP-52-557.0, Fund 38737 to reimburse Project design costs expended from CIP-52-557.0, Fund 30300;

Authorizing the City Auditor and Comptroller, upon advice from administering departments, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Up until November 27, 2000, the North Torrey Pines Road Bridge over San Diego Northern Railway (Bridge #57C-207) was under the jurisdiction of both the City of San Diego and the City of Del Mar. It was identified by Caltrans as a structurally deficient bridge and qualified for Federal funding to be replaced. The City of San Diego, as a lead agency, proceeded with the preliminary design and preparation of the environmental document. However, due to the disagreement with the City of Del Mar as to the number of lanes on the bridge, the environmental document was never certified. Subsequent to the City of Del Mar's non-concurrence with the bridge widening, the bridge project was changed from a replacement project to a seismic retrofit in an effort to address seismic safety in a more timely manner.

In addition, further analysis by the City of San Diego concluded that a retrofit project would be less favorable than the replacement alternative, based on the age and condition of the bridge. Subsequently, the transfer of bridge ownership to City of Del Mar was completed on 11/27/2000. This action provides a means to seek reimbursement for the design and preparation of the environmental document of the replacement project.

FISCAL IMPACT:

Funds below are available and programmed for the reimbursement

Program Supplement No. 084 :	\$100,000
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Modification to Program Supplement (FNM-76):	\$500,000
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Total project cost will remain unchanged. A new funding source has been identified through the grant funds identified above. Transnet funds will be released and deappropriated reserves in an amount equal to the new funding source.

Loveland/Belock/PB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

*ITEM-S506: Proposition 50 Funding of Water Projects.

(See memorandum from Andrew Poat dated 4/2/2003; memorandum from Andrew Poat, Larry Gardner, Ernie Anderson, and Gail Goldberg dated 2/5/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1261)

Authorizing the City Manager and/or the Water Department Director to apply for, accept, and expend funds from the State of California under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Proposition 50, to facilitate implementation of the City of San Diego's Water projects;

Authorizing the City Manager and/or the Water Department Director to negotiate and execute Proposition 50 grant and loan contracts and any amendments or change orders thereto, and to certify disbursement on behalf of the City of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/9/2003, NR&C voted 5 to 0 to approve recommendations. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

On November 5, 2002, California voters passed Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, which authorized the state to sell \$3.44 billion in general obligation bonds for a variety of water related programs. This proposition generated funds that will be distributed by means of grants and loans to municipalities throughout California for the planning, design, and construction of variety of water projects. Funds will be administered through various state agencies, including but not limited to State Water Resources Control Board (SWRCB), Department of Health Services (DHS) and State Department of Water Resources (DWR).

The SWRCB has a grant application requirement for participating cities to adopt a resolution by the governing body allowing the City Manager or his designee, the Water Department Director, to apply for Proposition 50 grants and loans. This resolution is intended for inclusion in all Proposition 50 grant and loan applications submitted by the Water Department.

It is anticipated that the City of San Diego will apply for grants and loans for various projects as noted in the Water Department Director's memorandum to Council dated February 5, 2003. The recommended project list was adopted on February 10, by the City Council through Resolution No. 297628.

Projects under the following categories are potential candidates for funding:

- Reclaimed Water Distribution System.
- Water Treatment Plant Upgrades.
- Watershed Management Planning and Implementation.
- Water Security for Water Treatment Plants, Distribution Systems, and Reservoirs

Adoption of this resolution does not commit the City to any expenditures; it only authorizes the City to apply for Proposition 50 funded grants and loans to support Water Department projects that will be individually executed by the City Manager and City Council by subsequent actions. Upon adoption of this resolution, staff will submit grant/loan applications to the SWRCB, and other state agencies for individual projects. Each SWRCB grant will cover 25% of the City's project costs (with a \$5 million cap per project). City expenditures would be limited to 75% of the total cost of each project supported by Proposition 50 grant. Contract agreements for expenditures of City funds for each grant/loan funded project will be the subject of subsequent Council action. An Auditor's Certificate will be secured for each individual project to authorize any expenditure of City funds. Any such individual projects will be subject to prevailing wages and a labor compliance program.

FISCAL IMPACT:

None.

Mendes/Gardner/MAS

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

*ITEM-S507: Amendment No. 2 to Agreement with ADS Environmental Services for Flow Monitoring.

(See memorandum from Scott Tulloch dated 2/26/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1221)

Authorizing the City Manager to execute Amendment No. 2 to the Agreement, in an amount not to exceed \$310,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from Fund 41509 Unallocated Reserve, Department 777, Org. 445, Object Account 4903 to Fund 41506, Department 773, Org. 410, Object Account 4222;

Authorizing the expenditure of an amount not to exceed \$65,000 from Fund 41508, Department 771, Org. 160, \$195,000 from Fund 41508, Department 771, Org. 110, and \$50,000 from Fund 41506, Department 773, Org. 410, solely and exclusively for the purpose of providing funds for the Amendment No. 2 to the Agreement and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

ADS Environmental Services provides sewage flow monitoring equipment, maintenance and repair services to the City of San Diego. There are currently 130 permanent ADS sewage flow monitoring installations in San Diego's Metropolitan Sewerage System, which includes the City and 15 Participating Agencies. The Regional Wastewater Disposal Agreement requires the City to meter Participating Agency and City sewage flows for billing purpose.

The original ADS agreement, dated June 30, 1998, was authorized for the amount of \$2,500,000 for the period from July 1, 1998 through June 30, 2001.

Amendment No. 1 was authorized for the amount of \$2,193,285 and extended the agreement from July 1, 2001 through June 30, 2003 to provide ongoing support and maintenance for the system's network of permanent ADS flow meters and for the Flow Metering Alarm System which provides an early warning system against sewer spills.

This request is to amend ADS's contract for an amount not to exceed \$310,000, which includes \$260,000 for the purchase of four (4) new real-time wastewater flow monitoring systems and \$50,000 for use of ten (10) temporary flow meters. The real-time monitoring systems will be

installed upstream of Pump Station 1 and Pump Station 2. The monitoring systems will transmit real-time data of sewage levels at critical locations on the Metro Interceptor system to the pump stations. The data will be utilized to improve the pump stations operation in the event of a mechanical/electrical failure, or during maintenance operations that may reduce the conveyance capacity of the pump stations. Real-time monitoring data also allows the utilization of in-system storage available in the Metro Interceptor system during extremely wet weather flow events in which the pump station capacity could be exceeded. The ten (10) temporary flow meters will be installed on semi-critical trunk sewers to collect flow data that will be used for trunk sewer modeling and capacity evaluations. These meters will also be used to identify inflow and infiltration problems in the sewer systems.

FISCAL IMPACT:

The total estimated cost of this action is \$310,000 which is available in the Sewer Fund for Fiscal Year 2003 expenditure.

Mendes/Tulloch/HTN

Aud. Cert. 2301044.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

*ITEM-S508: Appointment and Reappointment to the San Diego County Water Authority.

(See memorandum from Mayor Murphy dated 4/21/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1289)

Council confirmation of the following appointment and reappointments by the Mayor to serve as members of the San Diego County Water Authority Board of Directors, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Fern M. Steiner (Replacing Michael Madigan, who resigned effective April 15, 2003)	March 5, 2009

Nora N. Jaeschke
(Reappointment)

May 2, 2009

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:

ITEM-S509: Proposal to Support/Oppose Certain 2003 State Legislation.

(See memorandums from Andrew Poat dated 3/28/2003 and 4/29/2003.)

(Continued from the meeting of 4/28/2003, Item 110, at the request of the City Manager, for further review.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1236)

Approving the recommendations contained in the Governmental Relations Department's March 28, 2003 report, with the following changes:

1. Change AB 136 from "Oppose" to "Watch", until the City receives additional information.
2. Change ACA 10 from "Watch" to "Support as Priority."
3. Add AB 361 as a "Watch."
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from "Support" to "Watch."
6. Change AB 222 from "Support" to "Strong Support."
7. Change SB 40 from "Support" to "Strong Support."

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 4/2/2003, Rules voted 3 to 0 to approve the recommendations contained in the Governmental Relations Department's March 28, 2003 report with the following changes:

1. Take no position on AB 136 until we get further information (move from "Oppose" to "Watch").
2. Support as a priority ACA 10 (move from "Watch" to "Support as Priority").

3. Add AB 361 as a “Watch.”
4. Add language that seek amendments to any relevant current legislation to allow the Mayor to appoint an alternate representative to the San Diego River Conservancy.
5. Change AB 1690 from “Support” to “Watch.”
6. Indicate strong support for AB 222.
7. Indicate strong support for SB 40.

(Councilmembers Peters, Madaffer, and Mayor Murphy voted yea. Councilmember Inzunza not present. Councilmember Maienschein abstain.)